

UNITED STATES DISTRICT COURT

US DISTRICT COURT
WESTERN DISTRICT OF NC

WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

NAJIBULLAH MAYAR
and
MOUHSINA MAYAR,

3:25-CV-499-GCM

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF STATE,

Defendant.

Case No.:

COMBINED MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

INTRODUCTION

Plaintiffs NAJIBULLAH MAYAR and MOUHSINA MAYAR, appearing pro se, respectfully move this Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a Temporary Restraining Order and a Preliminary Injunction to prevent Defendant from denying the immigrant visas of Plaintiffs' immediate family members—Tamana Mayar, Heela Mayar, and Abdullah Mayar—under Presidential Proclamation 10949.

RELIEF REQUESTED

Plaintiffs request:

1. A Temporary Restraining Order preventing the denial of F22 immigrant visas;
2. A Preliminary Injunction requiring Defendant to adjudicate the visa applications without regard to the Proclamation.

FACTUAL BACKGROUND

Plaintiff Mouhsina Mayar is a lawful permanent resident of the U.S. Her children, Tamana, Heela, and Abdullah, are Afghan nationals with F22 visa applications.

Their cases have been transferred to the U.S. Embassy in Kigali, Rwanda, due to the closure of the Kabul embassy. Interviews are scheduled for August 12, 2025.

Absent court intervention, their visas will be denied solely based on their Afghan nationality under the provisions of Presidential Proclamation 10949.

LEGAL STANDARD

To obtain a TRO or preliminary injunction, plaintiffs must show:

1. Likelihood of success on the merits;
2. Irreparable harm without relief;
3. The balance of equities favors them; and
4. Relief is in the public interest.

ARGUMENT

I. Likelihood of Success on the Merits

The blanket denial of visas based on nationality violates constitutional protections and the Administrative Procedure Act. The Proclamation is being applied arbitrarily without individualized assessment.

II. Irreparable Harm

Plaintiffs face permanent separation from their children and siblings. The psychological and financial harm cannot be remedied by money damages.

III. Balance of Equities

Plaintiffs suffer substantial harm from visa denial, while the government faces no meaningful prejudice by processing valid applications.

IV. Public Interest

It is in the public interest to uphold the rule of law, avoid arbitrary government action, and preserve family unity.

CONCLUSION

Plaintiffs respectfully request that the Court issue:

1. A Temporary Restraining Order preventing denial of the immigrant visas;
2. A Preliminary Injunction ordering adjudication of the visas without enforcement of Presidential Proclamation 10949.

Dated: [Insert Date] *10-07-10-25*



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